

1. Staying Well

I have the capacity to make informed decisions about my own health care.

I can develop a Wellness Recovery Action Plan (WRAP) as a way of taking stock of what keeps me healthy mentally and physically, building good routines into my life, figuring out how to avoid my "triggers," and involving my support system.

I can create an advance directive for mental health care, based on my past experiences with crisis care.

I can educate my provider, my agent (if I have one) and others in my support system about the signs that I have lost capacity to make informed, responsible decisions about my care.

I can revise my directive as my providers and I gain experience about what works and what doesn't.

2. Loss of capacity to make informed choices about medical care

My thinking has become disorganized, psychotic, paranoid, manic or depressed.

Those closest to me can see what is happening, but I have no insight into my own condition or am too frightened to acknowledge it.

I am unable and unwilling to consent to treatment but I do not meet criteria for civil commitment yet either.

I have lost the capacity to make informed choices about my health care, so I am “incapacitated.”



A mental health advance directive:

- *Springs into effect upon a determination of incapacity.*
- *Provides informed, written consent for care, or authorizes an agent to provide consent for care.*

3. Inability to care for self or danger to self/others

Title 53, Chapter 21: Civil commitment
Title 46, Chapter 14: Criminal commitment
Title 72, Chapter 5: Guardianship



A mental health advance directive:

- Does not override any provision of civil or criminal commitment or guardianship law
- Must be attached to the guardianship petition.
- May be limited by or overridden by guardianship order as necessary to achieve the purposes of the law.
- If not limited by the guardianship order, then mental health directive and any appointed agent is primary authority regarding mental health care.
- May be included in full or in part in civil commitment order but otherwise does not apply when there is a civil commitment order.
- Does not apply in criminal commitments.

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